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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,908	12/22/2000	Marc Steven Price	69-001	6595

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
SALIARD, SHANNON S	

ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/741,908	PRICE ET AL.	
	Examiner	Art Unit	
	Shannon S. Saliard	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-9 and 11-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-9 and 11-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1, 11-16, 18-20, and 22, cancelled claims 4, 5, and 10, and newly added claims 24 and 25. Thus, claims 1-3, 6-9, and 11-25 remain pending and are presented for examination.

Response to Arguments

2. Applicant's amendments filed 28 August 2007, with respect to the rejections of claims 1, 12-16, 18-20, and 23 under 35 U.S.C. 112, Second Paragraph, have been fully considered and are persuasive. Thus, the rejections of claims 1, 12-16, 18-20, and 23 under 35 U.S.C. 112, Second Paragraph have been withdrawn.

3. Applicant's arguments filed 28 August 2007, with respect to the rejections of claims 1, 12-15, and 18-23 under 35 U.S.C. 101, have been fully considered and are persuasive. Thus, the rejections of claims 1, 12-15, and 18-23 under 35 U.S.C. 101 have been withdrawn.

4. Applicant's arguments with respect to claim 1, 12-16, 18, and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-3, 5-13, and 16-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al [US 5,852,812] in view of Carter [US 2003/0120579] and Farhat et al [US 2001//0034693].

As per **claims 1, 12, 13, 16, 18, and 19**, Reeder et al receiving electronic entity events for exchange transactions between first and second parties serviced by a third party [col 5, line 66- col 6, line 18]; accumulating the electronic entity events into a collection of electronic entity events [col 10, lines 3-8]; and dynamically and automatically, by a computer, pricing a servicing of the electronic entity events by the third party responsive to an electronic entity event pricing plan where wherein there are plural different pricing plans [col 22; lines 7-50], wherein each pricing plan includes a decision network, wherein a node of the decision network includes at least one rule, wherein rules including the at least one rule are shared among the plural different pricing plans, wherein a path from the node for an exchange transaction is determined from the outcome of the at least one rule using the exchange transaction corresponding to the electronic entity event as input [col 10, lines 46-52; col 15, line 30-col 17], wherein the pricing includes selecting the pricing plan for the exchange transaction to

correspond to the first party, the second party or the third, party, of the exchange transaction, traversing the decision network in the selected pricing plan, and executing the rules in the traversed path through the decision network to calculate the prices [col 10, lines 46-52; col 15, line 30-col 17; col 22; lines 7-50]; and outputting prices of the electronic entity events [col 7, lines 1-2]. Reeder et al does not explicitly disclose wherein the rules are stored in a database. However, Reeder discloses that the pricing rules are written in pseudo-code and used to determine a charge for a particular transaction event and that the pricing rules are "looked up" [col 15, line 34-col 16, line 17]. Reeder et al does not specifically disclose that the decision network is a tree, wherein a path along the tree is determined from an outcome of the at least one rule. However, Carter discloses pricing based on a decision tree [see Fig. 5] wherein a path along the tree is determined from an outcome of a rule [0043; 0045; based on who you are or what organization you belong to (outcome of a rule) a specific path is taken to determine discount]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Carter for flexibility in formulating a desired pricing system while reducing the prior art need to store, maintain, and retrieve huge amounts of data, as suggested by Carter [0020]. Reeder et al does not disclose wherein the at least one rule can specify use of the collection to determine the outcome of the at least one rule. However, Farhat et al discloses using an accumulated total number of transactions to determine rates for a transaction [0078]. Therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farat et al to reward loyal customers.

As per **claim 2**, Reeder et al further discloses wherein the event comprises one of a transaction with a good/service exchanged as part of the transaction, multiple transactions with goods/services, a product query, an advertisement review, transferring to another site, an exchange subscription fee, or a customer characteristic [col 9, lines 1-7].

As per **claim 3**, Reeder et al further discloses wherein the pricing is responsive to relationships among buyers and sellers comprising negotiated customer specific rates and discounts [col 10, lines 46-58].

As per **claim 5**, Reeder et al further discloses wherein said rules price the transaction across goods/services [col 10,lines 37-45].

As per **claim 6**, Reeder et al further discloses wherein the rules based comprise conditional decisions [col 10, lines 46-58].

As per **claim 7**, Reeder et al further discloses wherein the rules comprise pricing calculation algorithms [col 15, line 42- col 16, line 17].

As per **claim 8**, Reeder et al does not disclose wherein the algorithms comprise one of single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit or taper charges. However, Farhat et al discloses a pricing model that comprise one of single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit or taper charges [0071-0076]. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farhat et al to reward loyal customers.

As per **claim 9**, Reeder et al does not disclose wherein said electronic event has a transaction price and a good/service price. However, Farhat et al discloses converting accounting data to define the price that the access broker system owes the provider, and the price that a customer owes the access broker [0068]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include wherein said electronic event has a transaction price and a good/service price so that each party is paid for services provided.

As per **claim 10**, Reeder et al does not explicitly disclose wherein said electronic event comprises multiple transactions. However, Farhat et al discloses discounting based on number of transactions [0078]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farhat et al to reward loyal customers.

As per **claim 11**, Reeder et al does not disclose wherein the pricing comprises detail pricing using about one of the electronic entity events and summary pricing about the collection. However, the Examiner takes Official Notice that it is old and well known to one of ordinary skill in the billing industry to provide a customer with detail and summary pricing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include wherein

the pricing comprises detail and summary pricing to facilitate customer understanding of how charges where applied.

As per **claim 17**, Reeder et al does not disclose wherein said pricing mechanism comprises a code-based pricer and non-code based rules used by the pricer to price the event [col 15, line 40-col 16,lines 17].

As per **claim 20**, Reeder et al does not disclose wherein the collection specified by the rules is the exchange transactions accumulated over a time period. However, Farhat et al disclose billing transactions based on usage during a billing cycle [0078; 0091; 0125]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farhat et al to minimize the transactions that the customer has to manage.

As per **claim 21**, Reeder et al does not disclose wherein the collection specified by the rules is the exchange transactions accumulated before the electronic entity event. However, Farhat discloses using number of transaction balances to determine an applicable pricing model [0150-0165]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include wherein the collection specified by the rules is the exchange transactions accumulated before the electronic entity event to reward loyal customers.

As per **claim 22**, Reeder et al does not disclose wherein the at least one rule further specifies aggregating a field in the electronic entity events in the collection, wherein the aggregated field is used to determine the outcome of the at least one rule [col 10, lines 46-52; col 15, line 30-col 17; col 22; lines 7-50].

As per **claim 23**, Reeder et al does not disclose further comprising: after accumulating an electronic entity event and after the pricing, modifying the pricing plan, after the modifying, performing the pricing for the electronic entity event using the modified pricing plan. However, Farhat et al discloses using number of transaction balances to determine an applicable pricing model [0150-0165]. Furthermore, Farhat et al discloses that when a customer reaches a predetermined threshold, the pricing access changes and the customer is provided a discount based on the particular tier [0080]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include: after accumulating an electronic entity event and after the pricing, modifying the pricing plan, after the modifying, performing the pricing for the electronic entity event using the modified pricing plan to reward loyal customers.

As per **claim 24**, Reeder does not disclose wherein the decision network is graphically displayed as the tree, wherein the nodes are graphically displayed as folders which include the rules. However, Carter discloses wherein the decision network is graphically displayed as the tree, wherein the nodes are graphically displayed as folders which includes the rules [0065; 0079; Fig. 6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Carter to facilitate updating, as suggested by Carter [0020].

As per **claim 25**, Reeder et al does not disclose further comprising receiving other electronic entity events for exchange transactions between other parties, wherein buyers and sellers define respective corporate structures to specify the other parties, and wherein the rules comprise volume discounting based on the electronic entity events for the first party or the second party of the exchange transaction and the other electronic entity events for the other parties in the respective corporate structures of the first party or the second party. However, Carter discloses that organizations are defined, wherein a person is belonging to a particular organization receives discount pricing [0016; 0017; 0041]. Carter further discloses that the pricing may include volume discounts [0009]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder to include the method disclosed by Carter for the advantage of rewarding customer loyalty.

7. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al [US 5,852,812] in view of Carter [US 2003/0120579] , Farhat et al [US 2001//0034693] and Walker et al [US 6,754,636].

As per **claim 14**, , Reeder et al receiving electronic entity events for exchange transactions between first and second parties serviced by a third party [col 5, line 66-col 6, line 18]; accumulating the electronic entity events into a collection of electronic entity events [col 10, lines 3-8]; and dynamically and automatically, by a computer, pricing a servicing of the electronic entity events by the third party responsive to an

electronic entity event pricing plan where wherein there are plural different pricing plans [col 22; lines 7-50], wherein each pricing plan includes a decision network, wherein a node of the decision network includes at least one rule, wherein rules including the at least one rule are shared among the plural different pricing plans, wherein a path from the node for an exchange transaction is determined from the outcome of the at least one rule using the exchange transaction corresponding to the electronic entity event as input [col 10, lines 46-52; col 15, line 30-col 17], wherein the pricing includes selecting the pricing plan for the exchange transaction to correspond to the first party, the second party or the third, party, of the exchange transaction, traversing the decision network in the selected pricing plan, and executing the rules in the traversed path through the decision network to calculate the prices [col 10, lines 46-52; col 15, line 30-col 17; col 22; lines 7-50]; and outputting prices of the electronic entity events [col 7, lines 1-2]. Reeder et al does not explicitly disclose wherein the rules are stored in a database. However, Reeder discloses that the pricing rules are written in pseudo-code and used to determine a charge for a particular transaction event and that the pricing rules are "looked up" [col 15, line 34-col 16, line 17]. Reeder et al does not specifically disclose that the decision network is a tree, wherein a path along the tree is determined from an outcome of the at least one rule. However, Carter discloses pricing based on a decision tree [see Fig. 5] wherein a path along the tree is determined from an outcome of a rule [0043; 0045; based on who you are or what organization you belong to (outcome of a rule) a specific path is taken to determine discount]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

invention of Reeder et al to include the method disclosed by Carter for flexibility in formulating a desired pricing system while reducing the prior art need to store, maintain, and retrieve huge amounts of data, as suggested by Carter [0020].

Reeder et al does not disclose an electronic exchange event pricing plan having transaction pricing, cross product pricing, summary pricing and non-transaction pricing. However, Walker et al discloses using transaction pricing, cross product pricing, summary pricing and non-transaction pricing to determine whether an offer is acceptable (see Figs. 1B, 2A, 2B; col. 7, line 48 - col. 8, line 30; col. 14, lines 1-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Walker et al so that each party is paid for services provided. Reeder et al does not disclose wherein the at least one rule can specify use of the collection to determine the outcome of the at least one rule. However, Farhat et al discloses using an accumulated total number of transactions to determine rates for a transaction [0078]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farat et al to reward loyal customers.

8. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al [US 5,852,812] in view of Carter [US 2003/0120579], Petters et al [US 2001/0018672] and Farhat et al [US 2001//0034693].

As per **claim 15**, , Reeder et al receiving electronic entity events for exchange transactions between first and second parties serviced by a third party [col 5, line 66-col 6, line 18]; accumulating the electronic entity events into a collection of electronic entity events [col 10, lines 3-8]; and dynamically and automatically, by a computer, pricing a servicing of the electronic entity events by the third party responsive to an electronic entity event pricing plan where wherein there are plural different pricing plans [col 22; lines 7-50], wherein each pricing plan includes a decision network, wherein a node of the decision network includes at least one rule, wherein rules including the at least one rule are shared among the plural different pricing plans, wherein a path from the node for an exchange transaction is determined from the outcome of the at least one rule using the exchange transaction corresponding to the electronic entity event as input [col 10, lines 46-52; col 15, line 30-col 17], wherein the pricing includes selecting the pricing plan for the exchange transaction to correspond to the first party, the second party or the third, party, of the exchange transaction, traversing the decision network in the selected pricing plan, and executing the rules in the traversed path through the decision network to calculate the prices [col 10, lines 46-52; col 15, line 30-col 17; col 22; lines 7-50]; and outputting prices of the electronic entity events [col 7, lines 1-2]. Reeder et al does not explicitly disclose wherein the rules are stored in a database. However, Reeder discloses that the pricing rules are written in pseudo-code and used to determine a charge for a particular transaction event and that the pricing rules are "looked up" [col 15, line 34-col 16, line 17]. Reeder et al does not specifically disclose that the decision network is a tree, wherein a path along the tree is determined from an

outcome of the at least one rule. However, Carter discloses pricing based on a decision tree [see Fig. 5] wherein a path along the tree is determined from an outcome of a rule [0043; 0045; based on who you are or what organization you belong to (outcome of a rule) a specific path is taken to determine discount]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Carter for flexibility in formulating a desired pricing system while reducing the prior art need to store, maintain, and retrieve huge amounts of data, as suggested by Carter [0020]. Reeder et al does not disclose pricing across the transactions, pricing across the goods/services, pricing with charge limitations and pricing non-transactions using conditional pricing decisions and pricing calculation algorithms comprising single unit, double unit, taper discount, tier, tier discount, percent, flat charge, minimum, maximum, accumulation, threshold, multi-unit, and taper charges. However, Petters et al discloses pricing the transactions [0103-0106], pricing across the transactions [0103; see Table], pricing across the goods/services [0103; see Table], pricing with charge limitations [0103; see Table], and pricing non-transactions [0105] using conditional pricing decisions [0106] and pricing calculation algorithms comprising single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit and taper charges where the pricing is based on a collection of the exchange transactions [0103-0106; see Table]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Petters et al to reward customer loyalty. Reeder et

al does not disclose wherein the at least one rule can specify use of the collection to determine the outcome of the at least one rule. However, Farhat et al discloses using an accumulated total number of transactions to determine rates for a transaction [0078]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Reeder et al to include the method disclosed by Farat et al to reward loyal customers.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-

272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Shannon S Saliard
Examiner
Art Unit 3628

sss

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER